IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5356 of 2007()

CMP.591/2007 of DISTRICT COURT, MANJERI
CRIME NO.99/07 OF KARUVARAKKUNDU POLICE STATION)
.....

PETITIONER/ACCUSED NO.1:

KRISHNAMOORTHY @ M.D.K.BABU, S/O.MANI,
VADIKA HOUSE, LAKKIDI PERUR, OTTAPPALAM, PALAKKAD.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS: COMPLAINANT:

THE STATION HOUSE OFFICER,
KARUVARAKKUNDU POLICE STATION, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5356 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the de facto complainant. He faces allegations inter alia under Section 498A I.P.C. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred by the learned Magistrate to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. Marriage took place on 6/7/2006. There is some strain in the matrimony. The learned counsel for the petitioner submits that because of such strain in matrimony, the de facto complainant/wife is raising fanciful and exaggerated allegations against the petitioner. The petitioner does not deserve to endure the trauma of arrest and incarceration in prison. Anticipatory bail may, in these circumstances, be granted to the petitioner, prays the learned counsel for the petitioner.

2. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I reckon that as an informed and reasonable stand taken by the learned Public Prosecutor. Arrest and incarceration of the petitioner in custody will mar all possibilities of a

harmonious reconciliation of the spouses in the infant marriage, appropriate conditions to facilitate a harmonious settlement of the dispute can of course be imposed.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/09/2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 15/09/2007 and 16/09/2007 and thereafter on all Mondays between 10 a.m and 12 noon for a period of two months and subsequently as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 14/09/2007, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/09/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007